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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/127,112
Filing Date	July 31, 1998
First Named Inventor	Marcus
Art Unit	3714
Examiner Name	Harris, C.
Attorney Docket Number	

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Statement Under 37 CFR § 1.97 (e) Transmittal Letter Postcard
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Brian I. Marcus, Esq., Vierra Magen Marcus Harmon & DeNiro LLP		
Signature			
Printed name	Brian I. Marcus		
Date	December 22, 2005	Reg. No.	34,511

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Brian I. Marcus	Date	December 22, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application

) PATENT APPLICATION

Inventor(s): Brian I. Marcus  
Warren S. Heit

SC/Serial No.: 09/127,112

Filed: July 31, 1998

Title: OBJECT RECOGNITION SYSTEM

STATEMENT UNDER 37 CFR § 1.97 (e)

\_\_\_\_ (1) Each item of information contained in the accompanying information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

X (2) No item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Date: December 22, 2005

By: 

Brian I. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

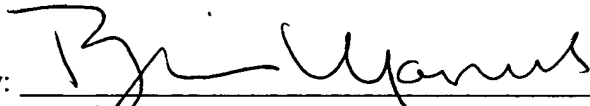
In re Application	)	PATENT APPLICATION
	)	
Inventors	)	
Brian I. Marcus	)	
Warren S. Heit	)	
	)	
SC/Serial No.:	)	Art Unit 3714
09/127,112	)	
	)	
Filed:	)	Examiner: C. Harris
July 31, 1998	)	
	)	
Title:	)	
AN ELECTRONIC	)	
INTERACTIVE TOY FOR PROMOTING	)	Customer No. 28554
LEARNING IN A CHILD (As Amended)	)	
	)	

**TRANSMITTAL LETTER**

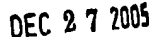
United States Patent No. 6,739,874, which is assigned to the assignee of the present application, is the subject to two mirror litigations, Tinkers & Chance v. Leapfrog Enterprises Inc., Civil Action No. 2:05-CV-349-TJW (Eastern District of Texas) and Leapfrog Enterprises Inc. v. Tinkers & Chance Case No. C 05 3850 MHP (Northern District of California). In each case, Leapfrog, the accused infringer, has raised the defenses of invalidity and unenforceability but has provided no basis or support for its defenses.

Respectfully submitted,

Date: December 22, 2005

By:   
Brian I. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665



PTO/SB/08a (07-05)

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

of

**Complete if Known**

Application Number	09/127,112
Filing Date	July 31, 1998
First Named Inventor	Marcus
Art Unit	3714
Examiner Name	Harris, C.
Attorney Docket Number	

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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